

MEMORANDUM

SUBJECT: Request for Removal Action at the Falcon Refinery Site, Ingleside, San Patricio County, Texas

FROM: Gary W. Moore, On-Scene Coordinator
Response and Prevention Branch (6SF-R2)

THRU: Charles A. Gazda, Chief
Response and Prevention Branch (6SF-R)

TO: Myron O. Knudson, P.E.
Director, Superfund Division

I. PURPOSE

This Memorandum requests and documents the approval of a time-critical removal action as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604 at the Falcon Refinery Site (herein after referred to as the “Site”).

The general scope of the removal action will be to remove and dispose of hazardous substances located on-site.

The actions described in this memorandum meets the criteria for initiating a removal action under Section 300.415 of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR § 300.415.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS No.: TXD086278058

Category of Removal: Time-Critical

Superfund Site ID No.: 06MC

A. Site Description

1. Removal site evaluation

The Site is an abandoned petroleum refinery that operated intermittently since 1980 and is currently inactive except for two (2) operators leasing several tanks for oil storage activities. The refinery consists of approximately 33 aboveground storage tanks (ASTs), and an API separator, as well as extensive refinery piping and equipment. The key problem areas of the site are bulk liquids, contaminated soils, and migration of contaminants into wetlands.

The Site was proposed to the National Priorities List (NPL) in September 2002.

2. Physical location

The site is located in Ingleside, San Patricio County, Texas 1.7 miles southeast of State Highway 361 on FM 2725 at the northwest and southeast corners of FM 2725 and Bishop Road. Another portion of the site includes a dock facility, including transfer piping, on Redfish Bay where materials were transferred between vessels and storage tanks. The site occupies approximately 104 acres. The site is bordered by wetlands to the northeast and southeast, residential areas to the north, northwest and southwest, an abandoned refinery property with no structures to the northwest, and a construction company to the southwest.

3. Site characteristics

The Site is an abandoned petroleum refinery property where refining activities began in approximately 1980 and ceased in approximately 1990. It is believed that the refining activities did not resume but the facility or portions of the facility were leased for chemical and/or oil storage activities by the current owner of the facility. There are currently two (2) companies leasing tankage on the property for oil storage. This will be the first removal action on the site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

There have been limited investigations conducted on the Site to determine the exact nature of the oils and hazardous substances in bulk and miscellaneous containers, piping and equipment present on-site. Sampling conducted by Texas Natural Resources Conservation Commission (TNRCC), currently the Texas Commission on Environmental Quality (TCEQ), in February and March 1996 revealed the following hazardous substances: Acetone, Benzene, Chromium, Chrysene, o-Cresol, m,p-Cresol, 1,2-Dichloroethane, Ethylbenzene, Ethyl Ether, Fluorene, Lead, Mercury, Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Methyl-t-Butyl Ether, Naphthalene, Phenanthrene, Phenol, Pyrene, Styrene, Tetrachloroethene, Toluene, Vinyl Acetate, and Xylene. In addition, it is believed that the following hazardous wastes are present on the site: K048, K049, K051, F037, F038, and K169 and D002. All of the hazardous wastes and substances are "hazardous substances" as defined by Section 101(14) of CERCLA, 42

U.S.C. § 9601(14), and 40 CFR § 302.4.

The facility is secured with fencing. The facility is not manned but the lease operators are periodically on-site operating the leased tanks. There are no locks on tank valves, thereby allowing the potential for a release due to vandalism. The refinery is abandoned and in a state of deterioration, with heavy corrosion and rust evident. High weeds are abundant throughout the Site, increasing the potential for grass fires, which in turn could spread throughout the facility, igniting the materials within the tanks and other containers and exposing the population.

The facility is located approximately 500 feet from the nearest residential property. Additionally, a wetland is located on the southeast portion of the site and drains into Redfish Bay.

5. NPL status

The Site was proposed to the National Priorities List (NPL) in September 2002. The EPA is currently in the process of identifying Potentially Responsible Parties (PRPs) and preparing an Administrative Order on Consent (AOC) to conduct both the removal action being proposed in this Action Memorandum and a Remedial Investigation/ Feasibility Study (RI/FS).

6. Maps, pictures and other graphic representations

Attachment 1: Map Identifying Location of Facility

Attachment 2: Map of Facility

Attachment 3: Enforcement Attachment

B. Other Actions to Date

1. Previous actions

There have been no previous Federal removal actions relative to this site.

2. Current actions

The owner of the facility, NORCO, is currently conducting a cleanup to remove and dispose of all waste from the tanks, equipment, and piping along with demolition of the facility.

EPA is aware of this voluntary action by NORCO and has been working with NORCO to address the site. The removal AOC will formalize the actions being taken independently by NORCO.

C. State and Local Authorities' Roles

1. State and local actions to date

To date, the EPA and TCEQ have conducted inspections and assessments of the site in order to determine if the site will rank on the NPL. The site was proposed to the NPL in September 2002. On September 20, 2002, the facility had an overflow of approximately 500

barrels of oily material from Tank #7. The Texas General Land Office (TGLO) and the TCEQ responded to the spill. NORCO took over the response from the TGLO and TCEQ and TCEQ provided oversight of the cleanup. The TCEQ has been very helpful by providing the EPA with information and providing oversight of recent spills.

2. Potential for continued State/Local response

It is unlikely that the State or local government could address the extensive hazards posed by this Site, in a timely or technically appropriate manner. On or about February 5, 2002, the Governor of Texas supported the proposal of this site on the NPL.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

A. Threats to Public Health or Welfare

Actual or potential exposure to nearby human populations or the food chain from hazardous substances or pollutants or contaminants: Residential properties are located approximately 500 feet northwest of the site where hazardous substances are stored in deteriorating tanks, piping, and equipment. The site is only manned periodically by the operators leasing tankage for oil storage. A release and exposure could occur through the overflow of the tanks due to rainfall, tank failure, equipment failure, or vandalism. These overflows would enter roadside ditches draining to a wetland and ultimately Redfish Bay.

Actual or potential contamination of drinking water supplies: According to the Preliminary Assessment prepared on December 14, 1987, there are no drinking water wells within 1/4 mile of the facility. It does not appear that drinking water supply wells will be impacted as a result of groundwater contamination. This will be evaluated further under the RI/FS process.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release: There are hazardous substances in tanks, piping, and equipment. The on-site tanks have not been maintained since 1990 and are in a state of deterioration. A release could occur through the overflow of the tanks due to rainfall, tank failure, equipment failure, vandalism, or fire. The hazardous substances are listed in II.A.4. above.

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate: The samples taken in association with the Hazard Ranking System (HRS) evaluation in May 2000 did not appear to be significantly elevated for impact on human health. The HRS evaluation did show contaminants in the wetlands and Redfish Bay that are similar to those identified on the facility. The RI/FS process will evaluate this data to determine the next course of action.

Weather conditions that may cause hazardous substances or pollutants or

contaminants to migrate or be released: The Site is an abandoned facility, except for the two (2) operators who are leasing various tanks. The Site is only manned periodically. The tanks, piping, and equipment are deteriorating. Lightning strikes, heavy rains or corrosion could rupture tanks and result in a release of hazardous substances into the nearby drainage ditches, wetlands, and Redfish Bay. Additionally, tanks and secondary containment are not being maintained and inspected, thereby increasing the likelihood of a release offsite and into the drainage system. Additionally, high weeds in and around the facility could result in grass fires which could impact the facility and result in the release of hazardous substance to the drainage system or atmosphere resulting in evacuations and potential exposures that may be harmful to human health and the environment.

Threat of fire or explosion: The site is not being maintained and has high weeds which are conducive to fires. A lightning strike or arson could result in a serious fire at this unsecured facility. In any event, a fire would certainly require the evacuation of nearby residents and result in contamination of the environment.

The availability of other appropriate Federal or State response mechanisms to respond to the release: Outside of the EPA, there are no other Federal or state response mechanisms that could address the hazards posed by this site in a timely manner. The state does not have the resources to address such a large facility. The EPA will coordinate with the state and local government on this response action and will work with them to identify those areas where they may be able to participate.

Other situations or factors that may pose threats to public health or welfare of the United States or the environment: Failure to address these hazardous substances may result in a more significant off-site migration of these substances and materials, thereby creating a larger and more costly response action, and posing a greater impact on human health, welfare, or the environment.

B. Threats to the Environment

The site borders a wetland which drains into Redfish Bay. A release of hazardous substance from this site would, therefore, impact the ecosystem of this drainage pathway.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances, or pollutants or contaminants from this site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

F. Proposed Actions

1. Proposed action description

The intent of this action is to remove and dispose of source materials. As a result, it may be necessary to demolish tanks, piping, and equipment in order to effectuate this activity.

Asbestos Inspection and Abatement: It will be necessary to conduct an Asbestos Inspection prior to the conduct of demolition activities to insure that asbestos is not being disturbed in the conduct of this action.

Assessment and Removal of Hazardous Substances, or Pollutants or Contaminants: The materials will be tested to determine the appropriate disposal technique. It appears that much of the material can be recycled. Previous field testing indicates that the majority of the materials appear to be non-hazardous waste.

Decontamination of Containers, Equipment, Piping, and Buildings: If it is determined necessary to demolish the structures or portions thereof, these structures will be decontaminated to the extent necessary for the purposes of recycling or disposal.

Removal of Containers, Equipment, Piping, and other Contaminated Items: The removal and disposal of the tanks, equipment, and piping will only be necessary if the source materials can not be adequately removed so as to prevent exposure to trespassers from residual hazardous substances that would otherwise be left behind. In addition, it is anticipated that the removal and recycle or disposal of the tanks, equipment, piping, and other items will allow an unabated investigation of the surface and subsurface soil contamination that would otherwise be inaccessible. The metal debris associated with the removal of the tanks, equipment, piping, and other items will be recycled to the extent practical and any proceeds will be credited to the response.

Consolidation, Removal and Disposal of Grossly Contaminated Soil: Due to the high weeds it was difficult to do a complete survey of the facility to identify visibly contaminated soils. As response actions are conducted, it is anticipated that contaminated soils will be uncovered and will need to be addressed. It is anticipated that there will be a need to consolidate, and dispose of contaminated surface soils resulting from historical spills.

The EPA Remedial Program is currently in the process of determining the scope of work and negotiating and AOC for a site investigation. The investigation will determine what additional actions may be necessary to address the contamination identified.

2. Applicable or relevant and appropriate requirements (ARARs)

This removal action will be conducted to eliminate the actual or potential release of a hazardous substance, pollutant, or contaminant to the environment, pursuant to CERCLA, 42 U.S.C. § 9601 et seq., and any oil pursuant to the CWA 33 U.S.C. § 1251 et seq., in a manner consistent with the NCP, 40 C.F.R. Part 300. As per 40 C.F.R. § 300.415(i), Fund-financed

removal actions pursuant to CERCLA Section 104, 42 U.S.C. § 9604, and removal actions pursuant to CERCLA Section 106, 42 U.S.C. § 9606 and the CWA 33 USC § 1321, shall, to the extent practicable considering the exigencies of the situation, attain the applicable or relevant and appropriate requirements under Federal environmental law, including the Toxic Substance and Control Act (TSCA), 15 U.S.C. § 2601 et. seq., the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300 et. seq., the Clean Air Act (CAA), 42 U.S.C. § 7401 et. seq., Clean Water Act (CWA), 33 U.S.C. § 1251 et. seq., the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et. seq., or any promulgated standard, applicable or relevant and appropriate requirements, criteria, or limitation under a state environmental or facility citing law that is more stringent than any Federal standard, requirement, criteria, or limitation contained in a program approved, authorized or delegated by the Administrator and identified to the President by the state.

Due to the fact that consolidation and off-site disposal are the principal elements of this removal action, RCRA waste analysis requirements found at 40 C.F.R. §§ 261.20 and 261.30, RCRA manifesting requirements found at 40 C.F.R. § 262.20, and RCRA packaging and labeling requirements found at 40 C.F.R. § 262.30 are deemed to be relevant and appropriate requirements for this removal action. Because on-site storage of hazardous wastes is not expected to exceed ninety days, specific storage requirements found at 40 CFR Part 265 are not applicable or relevant and appropriate. See 40 CFR § 262.34. All hazardous substances, pollutants, or contaminants removed off-site for treatment, storage, or disposal shall be treated, stored, or disposed at a facility in compliance, as determined by the EPA, pursuant to 40 CFR § 300.440. All off-site transportation of hazardous materials will be performed in conformity with U.S. Department of Transportation (DOT) requirements at 49 CFR § 172.

This action may require demolition activities that may involve asbestos-containing material (ACM). If such action is conducted by the EPA, the EPA will, to the extent practicable considering the exigencies of the situation, attain the applicable or relevant and appropriate requirements contained in 40 CFR § 61.

3. Project schedule

The current owner of the facility has already initiated action on the facility to address the items listed above. The EPA intends to enter into an AOC with the owner to formalize the conduct of this action. If for some reason, the AOC process does not materialize, the EPA intends to move forward to conduct this action.

B. Estimated costs

The costs listed below reflect estimated oversight costs for a PRP - lead removal action under an AOC. If it becomes necessary to conduct an EPA Fund Lead removal action these costs will need to be updated to reflect those costs.

Extramural Costs:

<u>Contractor</u>	<u>CERCLA Funds</u>
Cleanup Contractor	\$ 0
START	\$ 67,200
Total Extramural	\$ 67,200
 <u>Intramural Costs</u>	
EPA Direct Costs.....	\$ 12,180
EPA Indirect Costs.....	\$ 3,947
Total Intramural	\$ 16,127
Subtotal (Intramural/Extramural)	\$ 83,327
Site Contingency (20%).....	\$ 16,666
TOTAL PROJECT CEILING.....	\$ 99,993

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If action is not taken at the Site, the natural degradation of the facility will continue until a catastrophic release of the hazardous substances located at the site occurs; or until a fire occurs which engulfs the tanks and other containers on the site. Such a fire could lead to the releases of hazardous substances to the ground and nearby waterways, and could cause the release of combustion byproducts into the air. Any or all of these releases could significantly impact the local community. Additionally, trespassers and vandals could open valves and damage containers which could result in releases. A release from this Site could result in exposure to human populations, animals, and sensitive ecosystems. Since the facility is abandoned and has not received maintenance for about 12 years, it is continuing to deteriorate. This deterioration is advanced, and expected to result in additional releases of hazardous substances should the proposed actions not be implemented.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this action.

VIII. ENFORCEMENT

See Attachment 3

IX. RECOMMENDATION

This decision document recommends the selected removal action under CERCLA for the Falcon Refinery Site, Ingleside, San Patricio County, Texas, developed in accordance with CERCLA, 42 U.S.C. § 9601 et. seq., and is not inconsistent with the NCP, 40 CFR § 300. This decision is based on the Administrative Record for the Site. Because the conditions at the Site meet the criteria defined in Section 300.415 and 300.305 of the NCP, I recommend your approval of the proposed removal action. The total CERCLA project ceiling if approved will be \$99,993. As this action is expected to be a PRP - Lead removal action, it is not anticipated that any funding will be needed from the CERCLA removal allowance.

APPROVED:

DATE: _____

MEMORANDUM

SUBJECT: Request for Removal Action at the Falcon Refinery Site, Ingleside, San Patricio County, Texas

FROM: Gary W. Moore, On-Scene Coordinator
Response and Prevention Branch (6SF-R2)

THRU: Charles A. Gazda, Chief
Response and Prevention Branch (6SF-R)

TO: Myron O. Knudson, P.E.
Director, Superfund Division

II. PURPOSE

This Memorandum requests and documents the approval of a time-critical removal action as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604 at the Falcon Refinery Site (herein after referred to as the "Site"). The general scope of the removal action will be to remove and dispose of hazardous substances located on-site.

The actions described in this memorandum meets the criteria for initiating a removal action under Section 300.415 of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR § 300.415.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS No.: TXD086278058
Category of Removal: Time-Critical
Superfund Site ID No.: 06MC

Moore	Doty	Petersen	Gazda	Talton	Parr	Moran	Peycke	Buzzell
6SF-R2	6SF-RS	6SF-R2	6SF-R	6SF-AC	6SF-AC	6RC-S	6RC-S	6SF